

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

01 SEP 28 11:45

IN THE MATTER OF:

Tri-Star Cabinet & Top Co.
New Lenox, Illinois

Respondent.

) Docket No.
)
) Proceeding to Assess a
) Civil Penalty under
) Section 113(d) of the
) Clean Air Act,
) 42 U.S.C. § 7413(d)
)
)

CAA-05-2001-0021

Administrative Complaint

1. This is an administrative proceeding to assess a civil penalty under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d).

2. The Complainant is, by lawful delegation, the Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, Chicago, Illinois.

3. The Respondent is Tri-Star Cabinet & Top Co. (Respondent), a corporation doing business in the State of Illinois.

Statutory and Regulatory Background

4. Section 112(d) of the Act required U.S. EPA to promulgate regulations for each category of stationary source that has the potential to emit hazardous air pollutants. 42 U.S.C. § 7412(d).

5. Congress identified a list of hazardous air pollutants in Section 112(b) of the Act, including formaldehyde and methylene chloride. 42 U.S.C. § 7412 (d).

6. U.S. EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) at part 63, subpart A, 40 C.F.R. §§ 63.1 - 63.15 pursuant to Section 112 of the Act which contains standards regulating specific categories of sources who have the potential to emit hazardous air pollutants (HAPs) listed in part 63.

7. The NESHAP standard at 40 C.F.R. §§ 63.1 - 63.15 provides general provisions which apply to owners and operators who are subject to subsequent subparts of part 63. The general provisions eliminate the repetition of requirements applicable to all owners or operators affected by part 63.

8. On December 7, 1995, in accordance with Section 112 (d) of the Act, U.S. EPA promulgated the NESHAP for Wood Furniture Manufacturing Operations (Wood Furniture NESHAP). These standards were codified at part 63, Subpart JJ, 40 C.F.R. §§ 63.800 - 63.819.

9. The "affected source" to which the Wood Furniture NESHAP applies is each facility that is engaged, either in part or in whole, in the manufacture of wood furniture or wood furniture components and that is located at a plant site that is a major source of HAPs as defined in part 63, subpart A, 40 C.F.R. § 63.2. 40 C.F.R. § 63.800(a).

10. A "major source" is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more

of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity or, in the case of radionuclides, a different criteria from those specified in this sentence. 42

U.S.C. § 7412(a)(3) and 40 C.F.R. § 63.2.

11. Section 112(i) of the Act provides that U.S. EPA is to establish compliance dates for each category of existing affected sources "which shall provide for compliance as expeditiously as possible, but in no event no more than 3 years after the effective date of such standard . . ." 42 U.S.C. § 7412(i); 40 C.F.R. § 63.6(c).

12. In promulgating the Wood Furniture NESHAP on December 7, 1995, U.S. EPA specified that the compliance date for existing affected sources that emit less than 50 tons per year of any HAPs in 1996 is December 7, 1998. 40 C.F.R. § 63.800 (e).

13. The NESHAP general provisions at 40 C.F.R. § 63.9(h)(2) and the Wood Furniture NESHAP at 40 C.F.R. § 63.807(b) require the owner or operator of an affected source to submit a compliance status report for its facility within 60 days after the applicable compliance date to U.S. EPA identifying the facility's method of compliance with NESHAP.

14. The Wood Furniture NESHAP at 40 C.F.R. § 63.807(c)(2) requires each owner or operator of an affected source subject to Subpart JJ to submit subsequent reports 30 calendar days after the end of each 6-month period following the first report to U.S. EPA.

15. The Wood Furniture NESHAP, at 40 C.F.R. § 63.802 (a) specifies that each owner or operator of an existing affected source subject to Subpart JJ must limit volatile hazardous pollutants (VHAPs) by achieving a VHAP limit for contact adhesives at existing sources by using one of the two compliance methods listed in 40 C.F.R. § 63.804 (c)(1) and (c)(2). The two compliance methods are use of compliant contact adhesives with a VHAP content no greater than 1.0 kg of VHAP/kg solids or use of a control system as specified.

16. The Wood Furniture NESHAP, at 40 C.F.R. § 63.806 (b)(2), requires the owner or operator of an affected source subject to the emission limits of Subpart JJ to maintain records of the VHAP content, in kg VHAP/kg solid (lb VHAP/lb solids), as applied, of each finishing material and contact adhesive subject to the emission limits in § 63.802.

17. The Wood Furniture NESHAP, at 40 C.F.R. § 63.803 (a), requires each owner or operator of an affected source subject to Subpart JJ to prepare and maintain a written work practice implementation plan that defines environmentally desirable work practices for each wood furniture manufacturing operation. The plan shall address each of the work practice standards presented in 40 C.F.R. § 803(b) - (1). The plan is required to be developed no more than 60 days after the compliance date.

18. As part of the work practice implementation plan, 40 C.F.R. § 803(1)(1) requires each owner or operator to prepare a formulation assessment plan for listed volatile HAPs (VHAPS), including formaldehyde and methylene chloride.

19. As part of the work practice implementation plan, 40 C.F.R. § 803(1)(3) requires each owner or operator to track the annual usage of the VHAPs formaldehyde and methylene chloride.

20. As part of the work practice implementation plan, 40 C.F.R. § 803(1)(6) requires each owner or operator to provide an explanation to the permitting authority that documents the reason for the exceedance of the de minimis level for the VHAP methylene chloride.

21. For the purposes of Subpart JJ, area sources of HAPs are those affected sources that emit or use less than the specified HAP limits specified in 40 C.F.R. § 63.800 (b)(1), (b)(2) or (b)(3) starting on the applicable compliance date and thereafter. Affected sources that qualify as area sources are not subject to the Wood Furniture NESHAP requirements of Subpart JJ. 40 C.F.R. § 63.800(b).

22. An affected source that exceeds the limits set forth in 40 C.F.R. § 63.800(b)(3) on the applicable compliance date by emitting more than 5 tons of any one HAP per rolling 12-month period or more than 12.5 tons of any combination of HAPs per rolling 12-month period is considered a major source. 40 C.F.R. § 63.800(b).

23. An area source that becomes a major source remains a major source thereafter and must comply with all applicable provisions of Subpart JJ starting on the applicable compliance date unless it limits its potential to emit through a mechanism available from a permitting authority. 40 C.F.R. § 63.800(b).

24. In accordance with the Act, in addition to establishing NESHAPs, U.S. EPA has established national ambient air quality standards ("NAAQS") for criteria air pollutants, including ozone. 42 U.S.C. § 7409. The NAAQS establish primary standards to protect the public health and secondary standards to assure public welfare. The Act required each state to submit to U.S. EPA for approval a State Implementation Plan (SIP) that provides for the implementation, maintenance and enforcement of NAAQS in each air quality control region in each state. 42 U.S.C. § 7410. The Act provides that U.S. EPA approval of a SIP makes all the requirements of that SIP enforceable by U.S. EPA. 42 U.S.C. § 7413(d).

25. On May 19, 1998, U.S. EPA approved the rules for controlling volatile organic material (VOM) emissions from wood furniture coating operations in the Chicago and Metro East ozone non-attainment areas as set forth in 35 Ill. Admin. Code 218.204 et. seq. as part of the federally-enforceable SIP for the State of Illinois. 63 Fed Reg 27489 (May 19, 1998).

26. The SIP limits set forth in the rule apply to a source's wood furniture coating lines if the source contains process emissions units, which as a group have a potential to emit 22.7 Mg (25 tons) or more of VOM per calendar year and have not limited emissions to less than that through production capacity limitations contained in a federally enforceable operating permit or SIP revision. 35 Ill. Admin. Code 218.208(2)(c).

27. 35 Ill. Admin. Code 218.204 sets forth the VOM emission limitations for wood furniture coaters, specifying that no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the emission limitations for the specified coating.

28. The emission limitation for wood furniture semi-transparent stains is 6.6 lb VOM/gallon. 35 Ill. Admin. Code 218.204 (1) (3) (D).

29. The Administrator of U.S. EPA (the Administrator) may assess a civil penalty of up to \$27,500 per day of violation up to a total of \$220,000 for violations that occurred on or after January 31, 1997, under Section 113(d) (1) of the Act, 42 U.S.C. § 7413(d) (1), and 40 C.F.R. Part 19.

General Allegations

30. Paragraphs 1-29 are incorporated herein by reference.

31. Respondent is an Illinois corporation with a plant located at 1000 South Cedar Street, New Lenox, Illinois 60451 ("facility").

32. Respondent is a "person" as defined at Section 302(e) of the Act, 42 U.S.C. § 7602 (e).

33. Respondent's facility is engaged, either in part or in whole, in the manufacture of wood furniture or wood furniture components.

34. Respondent's facility emits or has the potential to emit HAPs in excess of 25 tons per year for a combination of HAPs and/or 10 tons per year of any HAP.

35. Respondent emitted HAPs and had the potential to emit total HAPs during the calendar years 1996, 1997, 1998, 1999, and 2000 as follows:

Year	Actual emissions (tpy)	Potential emissions (tpy)
1996	8.99	39.4
1997	12.2	53.7
1998	15.9	69.8
1999	12.4	54.2
2000 (until 8/28/00)	7.3	31.7

36. Respondent's facility is a "stationary source" as defined at Section 112(a)(3) of the Act, 42 U.S.C. § 7412(a)(3).

37. On or about August 29, 1996, Respondent submitted an Initial Notification Report to the Illinois Environmental Protection Agency (IEPA) notifying the IEPA that Respondent was an existing source that emitted less than or equal to 50 tons per year of HAPs in 1996 and that Respondent had a NESHAP compliance date of December 7, 1998.

38. For the 12 months preceding Respondent's compliance date of December 7, 1998, Respondent emitted more than 5 tons of the HAP methylene chloride.

39. For the 12 months preceding Respondent's compliance date of December 7, 1998, Respondent emitted more than 12.5 tons of combined HAPs.

40. As of the compliance date of December 7, 1998, Respondent did not qualify for area source status under 40 C.F.R.

§ 63.800(b)(3) because Respondent exceeded the 5 ton limit for methylene chloride and the 12.5 ton limit of emissions for total HAPs for the preceding 12 months.

41. Respondent's facility was a "major source" as defined at 42 U.S.C. § 7412(a)(3) on the compliance date of December 7, 1998 and continued to be a major source thereafter subject to the requirements of Subpart JJ.

42. Respondent's facility is an "affected source" subject to the Wood Furniture NESHAP.

43. On March 13, 2001, U.S. EPA issued a Finding of Violation (FOV) and a Notice of Violation (NOV) to Respondent for violations of the Wood Furniture NESHAP and the Illinois SIP, respectively, and provided copies of the FOV and NOV to the State of Illinois.

44. On April 12, 2001, U.S. EPA held a conference with Respondent regarding the March 13, 2001 FOV and NOV pursuant to Section 7413(d) of the Act.

Count I - Failure to Submit Compliance Status Reports

45. Paragraphs 1-44 are incorporated herein by reference.

46. Respondent failed to submit a compliance status report for its facility to U.S. EPA 60 days after the applicable compliance date stating the VHAP compliance method in use at Respondent's facility.

47. Respondent failed to submit to U.S. EPA subsequent compliance reports after the end of each 6-month period following

the initial report.

48. Respondent's failure to submit a compliance status report within 60 days after the applicable compliance date is a violation of 40 C.F.R. § 63.9 (h) (2) and 40 C.F.R. § 63.807(b).

49. Respondent's failure to submit subsequent compliance status reports after the end of each 6-month period following the first report is a violation of 40 C.F.R. § 63.807(c) (2).

50. Respondent's violation of 40 C.F.R. § 63.9(h) (2) and § 63.807 (b) and (c) (2) constitutes a violation of the NESHAP and subjects Respondent to the assessment of a civil penalty pursuant to Section 113 (d) of the Act, 42 U.S.C. § 7413 (d).

Count II - Failure to Comply with Emission Limitation

51. Paragraphs 1-44 are incorporated herein by reference.

52. Beginning on January 1, 1999 until August 21, 2000, Respondent used 8,102 pounds of Formica 150 adhesive which has a HAP content of 1.2 lb VHAP/lb solid.

53. The Wood Furniture NESHAP, at 40 C.F.R. § 63.802(b) specifies that each owner or operator of an existing affected source subject to Subpart JJ must limit volatile hazardous pollutants (VHAPs) from contact adhesives by meeting the emission limitations for existing sources presented in Subpart JJ using one of the compliance methods listed in 40 C.F.R. § 63.804 (c) (1) or (c) (2) which are use of compliant adhesive materials below 1 lb VHAP/1 lb solid or use of a specified control method.

54. For 194 days after the applicable compliance date, Respondent did not use compliant contact adhesives containing 1 lb VHAP/lb solid as per the compliance method set forth in 40 C.F.R. § 63.804(c)(1).

55. After the compliance date of December 7, 1998, Respondent did not install control devices to control its VHAP emissions as per the compliance method set forth in 40 C.F.R. § 63.804(c)(2).

56. Respondent's failure to limit VHAP emissions by meeting the emission limitations for existing sources, using one of the compliance methods in 40 C.F.R. § 63.804(c)(1) or (c)(2), is a violation of 40 C.F.R. § 63.802(a)(2).

57. Respondent's violation of 40 C.F.R. § 63.802 (a)(2) constitutes a violation of the NESHAP and subjects Respondent to the assessment of a civil penalty pursuant to Section 113 (d) of the Act, 42 U.S.C. § 7413 (d).

Count III - Failure to Keep Records of HAP Usage

58. Paragraphs 1-44 are incorporated herein by reference.

59. On June 13, 2000, U.S. EPA conducted a compliance inspection at the facility to determine Respondent's compliance with the Clean Air Act.

60. At the time of the inspection, Respondent did not produce records of the amount of finishing material, as applied, and contact adhesives in kg VHAP/kg solids (lb VHAP/lb solids), as applied.

61. Upon request of U.S. EPA and subsequent to the inspection, Respondent did not produce records of the amount of finishing material, as applied, and contact adhesives in kg VHAP/kg solids (lb VHAP/lb solids).

62. Respondent's failure to maintain records of the amount of finishing material, as applied, and contact adhesives, in kg VHAP/kg solid (lb VHAP/lb solid), is a violation of 40 C.F.R. § 63.806(b) (2).

63. Respondent's violation of 40 C.F.R. § 63.806(b) (2) constitutes a violation of the NESHAP and subjects Respondent to the assessment of a civil penalty pursuant to Section 113 (d) of the Act, 42 U.S.C. § 7413 (d).

Count IV - Failure to Have a Work Practice Implementation Plan

64. Paragraphs 1-44 are incorporated herein by reference.

65. At the time of the June 13, 2000 U.S. EPA inspection, Respondent did not have a written work practice implementation plan that defines environmentally desirable work practice for its wood furniture manufacturing operation that addresses each of the work practice standards presented in 40 C.F.R. § 803(b) - (1).

66. Subsequent to the inspection and upon written request by U.S. EPA, Respondent did not produce a written work practice implementation plan that defines environmentally desirable work practice for its wood furniture manufacturing operation that addresses each of the work practice standards presented in 40 C.F.R. § 803(b) - (1).

67. Respondent's failure to prepare and maintain a written work practice implementation plan that defines environmentally desirable work practices and addresses each of the work practice standards presented in 40 C.F.R. § 803(b) - (1) for its wood furniture manufacturing operation, no later than 60 days after the compliance date is a violation of 40 C.F.R. § 63.803 (a).

68. Respondent's violation of 40 C.F.R. § 63.803(a) constitutes a violation of the NESHAP and subjects Respondent to the assessment of a civil penalty pursuant to Section 113 (d) of the Act, 42 U.S.C. § 7413 (d).

Count V ¹ Failure to Prepare a Plan for Volatile HAPs

69. Paragraphs 1-44 are incorporated herein by reference.

70. At the time of the June 13, 2001 EPA inspection Respondent had not prepared a formulation assessment plan for the volatile HAPs methylene chloride and formaldehyde and had not kept records of its annual usage of these volatile HAPs as part of maintaining a formulation assessment plan.

71. Subsequent to the inspection and upon written request by U.S. EPA, Respondent was unable to produce its formulation assessment plan for methylene chloride and formaldehyde.

72. Respondent's failure to prepare and maintain a formulation assessment plan for formaldehyde and methylene chloride usage and to track its annual usage of the volatile HAPs methylene chloride and formaldehyde as part of the work practice implementation plan is a violation of 40 C.F.R. § 803(1) (1).

73. Respondent's violation of 40 C.F.R. § 63.803(1)(1) constitutes a violation of the NESHAP and subjects Respondent to the assessment of a civil penalty pursuant to Section 113 (d) of the Act, 42 U.S.C. § 7413 (d).

Count VI - Exceedance of the De minimis Level

74. Paragraphs 1-44 are herein incorporated by reference.

75. Respondent's annual usage of methylene chloride in 1999 exceeded the de minimis level of 4.0 tons per year for methylene chloride set forth in table 6 of Subpart JJ.

76. Respondent did not provide an explanation to the permitting authority documenting the reason for the exceedance of the de minimis level for methylene chloride.

77. Respondent's failure to provide an explanation to the permitting authority documenting its reason for the exceedance of the de minimis level for methylene chloride is a violation of 40 C.F.R. § 63.803(1)(6).

78. Respondent's violation of 40 C.F.R. § 63.803(1)(6) constitutes a violation of the NESHAP and subjects Respondent to the assessment of a civil penalty pursuant to Section 113 (d) of the Act, 42 U.S.C. § 7413 (d).

Count VII - Failure to Comply with State SIP Requirement

79. Paragraphs 1-44 are incorporated herein by reference.

80. Respondent used a semi-transparent stain at its wood

furniture coating line from at least June 21, 1999 to May 15, 2000, with a VOM content of more than 6.6 lb VOM/gallon.

81. Respondent's use of a semi-transparent stain at its wood furniture coating line from June 21, 1999 to May 15, 2000, with a VOM content of more than 6.6 lb VOM/gallon is a violation of the emission limitation for wood furniture coaters at Ill. Admin. Code 218.204.

82. Respondent's violation of Ill. Admin. Code 218.204 constitutes a violation of the federally-approved Illinois SIP and subjects Respondent to the assessment of a civil penalty pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Proposed Civil Penalty

83. The Administrator must consider the factors specified in Section 113(e) of the Act when assessing an administrative penalty under Section 113(d). 42 U.S.C. § 7413(e).

84. Based upon an evaluation of the facts alleged in this complaint and the factors in Section 113(e) of the Act, Complainant proposes that the Administrator assess a civil penalty against Respondent of **\$60,500**. Complainant evaluated the facts and circumstances of this case with specific reference to U.S. EPA's Clean Air Act Stationary Source Penalty Policy dated October 25, 1991 (penalty policy). Enclosed with this complaint is a copy of the penalty policy.

85. Complainant developed the proposed penalty based on the best information available to Complainant at this time.

Complainant may adjust the proposed penalty if the Respondent provides Complainant credible information relevant to any issue regarding the appropriate penalty, and on review of that information, Complainant will amend the amount of penalty proposed if, and as, warranted.

86. In considering the "economic impact" of the proposed penalty of **\$60,500** on Respondent, Complainant has presumed that Respondent does have an ability to pay the penalty amount. However, should respondent make available to Complainant relevant and credible financial records which demonstrate that it does not have an ability to pay the amount of penalty proposed, Complainant will set aside the presumption and reduce the amount of penalty proposed, consistent with what is revealed in Respondent's financial records.

Rules Governing This Proceeding

87. The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" (the Consolidated Rules) at 40 C.F.R. Part 22 govern this proceeding to assess a civil penalty. Enclosed with the complaint served on Respondent is a copy of the Consolidated Rules.

Filing and Service of Documents

88. Respondent must file with the Regional Hearing Clerk the original and one copy of each document Respondent intends as part of the record in this proceeding. The Regional Hearing Clerk's address is:

Regional Hearing Clerk (R-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

89. Respondent must serve a copy of each document filed in this proceeding on each party pursuant to Section 22.5 of the Consolidated Rules. Complainant has authorized Randa Bishlawi, Associate Regional Counsel to receive any answer and subsequent legal documents that Respondent serves in this proceeding. You may telephone Randa Bishlawi at (312) 886-0510. Randa Bishlawi's address is:

Office of Regional Counsel (C-14J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Penalty Payment

90. Respondent may resolve this proceeding at any time by paying the proposed penalty by certified or cashier's check payable to "Treasurer, the United States of America", and by delivering the check to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 70753
Chicago, Illinois 60673

Respondent must include the case name and docket number on the check and in the letter transmitting the check. Respondent simultaneously must send copies of the check and transmittal letter to Randa Bishlawi and to:

Attn: Compliance Tracker, (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Opportunity to Request a Hearing

91. The Administrator must provide an opportunity to request a hearing to any person against whom the Administrator proposes to assess a penalty under Section 113(d)(2) of the Act, 42 U.S.C. § 7413(d)(2). Respondent has the right to request a hearing on any material fact alleged in the complaint, or on the appropriateness of the proposed penalty, or both. To request a hearing, Respondent must specifically make the request in its answer, as discussed herein.

Answer

92. Respondent must file a written answer to this complaint if Respondent contests any material fact of the complaint; contends that the proposed penalty is inappropriate; or contends that it is entitled to judgment as a matter of law. To file an answer, Respondent must file the original written answer and one copy with the Regional Hearing Clerk at the address specified in herein, above, and must serve copies of the written answer on the other parties.

93. If Respondent chooses to file a written answer to the complaint, it must do so within 30 calendar days after receiving the complaint. In counting the 30-day time period, the date of receipt is not counted, but Saturdays, Sundays, and federal legal holidays are counted. If the 30-day time period expires on a Saturday, Sunday, or federal legal holiday, the time period extends to the next business day.

94. Respondent's written answer must clearly and directly admit, deny, or explain each of the factual allegations in the complaint; or must state clearly that Respondent has no knowledge of a particular factual allegation. Where Respondent states that it has no knowledge of a particular factual allegation, the allegation is deemed denied.

1. Respondent's failure to admit, deny, or explain any material factual allegation in the complaint constitutes an admission of the allegation.

2. Respondent's answer must also state:

- a. the circumstances or arguments which Respondent alleges constitute grounds of defense;
- b. the facts that Respondent disputes;
- c. the basis for opposing the proposed penalty; and
- d. whether Respondent requests a hearing as discussed herein.

3. If Respondent does not file a written answer within 30 calendar days after receiving this complaint the Presiding Officer may issue a default order, after motion, under Section 22.17 of the Consolidated Rules. Default by Respondent constitutes an admission of all factual allegations in the

complaint and a waiver of the right to contest the factual allegations. Respondent must pay any penalty assessed in a default order without further proceedings 30 days after the order becomes the final order of the Administrator of U.S. EPA under Section 22.27(c) of the Consolidated Rules.

Settlement Conference


95. Whether or not Respondent requests a hearing, Respondent may request an informal settlement conference to discuss the facts of this proceeding and to arrive at a settlement. To request an informal settlement conference, Respondent may contact Randa Bishlawi at the address or phone number specified in herein, above.

96. Respondent's request for an informal settlement conference does not extend the 30 calendar day period for filing a written answer to this complaint. Respondent may pursue simultaneously the informal settlement conference and the adjudicatory hearing process. U.S. EPA encourages all parties facing civil penalties to pursue settlement through an informal conference. U.S. EPA, however, will not reduce the penalty simply because the parties hold an informal settlement conference.

Continuing Obligation to Comply

97. Neither the assessment nor payment of a civil penalty will affect Respondent's continuing obligation to comply with the Act and any other applicable federal, state, or local law.

9-28-01
Date



Bharat Mathur, Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

CAA-05- 2001-0021

In the Matter of Respondent Tri-Star Cabinet & Top Co.
Docket No.

CERTIFICATE OF SERVICE

I, Betty Williams, certify that I hand delivered the original and one copy of the Administrative Complaint, docket number CAA-05-2001-0021 to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed correct copies of the Administrative Complaint, copies of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits" at 64 Fed. Reg. 40138 (1999) (to be codified at 40 C.F.R. Part 22), and copies of the penalty policy described in the Administrative Complaint by first-class, postage prepaid, certified mail, return receipt requested, to the Respondent and Respondent's Counsel by placing them in the custody of the United States Postal Service addressed as follows:


James H. Thomas, President
Tri-Star Cabinet & Top Co.
1000 South Cedar Street
New Lenox, Illinois 60451

I also certify that copies of the Administrative Complaint were sent by First class Mail to:

Julie Armitage, Acting Section Manager
Compliance and Systems Management Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Harish Narayen, Acting Regional Manager
Region I
Illinois Environmental Protection Agency
9511 W. Harrison Street
Des Plaines, Illinois 60016

on the 28th day of September, 2001.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER:

7099 3400 0000 9587135

CAA-05- 2001-0 021